

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:17-cr-00020-RLY-MPB
)	
JONATHAN WITHAM,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On May 17, 2019, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release. On May 23, 2019 the Court held the Final Hearing on Revocation of Supervised Release. Defendant Witham appeared in person with his appointed counsel Ron Freson. The government appeared by Todd Shellenbarger, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Andrea Hillgoth.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Witham of his rights and provided him with a copy of the petition. Defendant Witham waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Witham admitted violation 2, and the government indicated it would not go forward as to violation 1. ([Docket No. 41](#)).
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	2	<p>"You must refrain from any unlawful use of a controlled substance."</p> <p>On May 6, 2019, and March 15, 2019, urinalyses were collected and yielded positive results for Amphetmaine.</p>

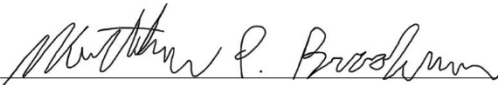
4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is I.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 4-10 months' imprisonment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he be sentenced to custody of the Attorney General or his designee for a period of six (6) months with no further supervision upon release from imprisonment.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: May 23, 2019


 Matthew P. Brookman
 United States Magistrate Judge
 Southern District of Indiana

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